

**IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF MONTANA
GREAT FALLS DIVISION**

UNITED STATES OF AMERICA,

Plaintiff,

vs.

JAMES CAMPBELL,

Defendant.

CR-15-15-GF-BMM-01

**ORDER ADOPTING MAGISTRATE
JUDGE’S FINDINGS AND
RECOMMENDATIONS TO REVOKE
DEFENDANT’S SUPERVISED RELEASE**

United States Magistrate Judge John Johnston entered Findings and Recommendations in this matter on November 4, 2015. (Doc. 62.) Neither party filed objections. When a party makes no objections, the Court need not review de novo the proposed Findings and Recommendations. *Thomas v. Arn*, 474 U.S. 140, 149–152 (1986). The Court will review Judge Johnston’s Findings and Recommendations, however, for clear error. *McDonnell Douglas Corp. v. Commodore Bus. Mach., Inc.*, 656 F.2d 1309, 1313 (9th Cir. 1981).

Judge Johnston conducted a revocation hearing on October 30, 2015. (Doc. 61.) Campbell admitted to violating his conditions of supervised release by consuming alcohol and by failing to participate in substance abuse testing. (Doc 54.) Judge Johnston found the evidence sufficient to establish that Campbell had violated the conditions of his supervised release. (*Id.*)

Judge Johnston recommends that the Court revoke Campbell's probation. (Doc. 62.) Judge Johnston recommends that the Court remand Campbell to the custody of the United States Bureau of Prisons until December 18, 2015. (*Id.*) Judge Johnston notes that because this proceeding constitutes a revocation of probation, supervised release proves unavailable. (*Id.*)

Campbell's violation grade is Grade C and his underlying offense is a Class B misdemeanor. He could be incarcerated for up to six months.

The Court finds no clear error in Judge Johnston's Findings and Recommendations. Campbell's current violation is serious in nature. A sentence of imprisonment until December 18, 2015, is sufficient, but not greater than necessary.

IT IS HEREBY ORDERED that Judge Johnston's Findings and Recommendations (Doc. 62) is ADOPTED IN FULL. **IT IS FURTHER ORDERED** that Defendant James Campbell's probation shall be revoked and he

shall be committed to the custody of the United States Bureau of Prisons until
December 18, 2015.

DATED this 30th day of November, 2015.

A handwritten signature in blue ink, reading "Brian Morris". The signature is written in a cursive style with a horizontal line extending from the end of the name.

Brian Morris
United States District Court Judge